



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,816	09/05/2003	Kendall W. Prince	11640.4	7157
<div>7590 KIRTON & McCONKIE 1800 Eagle Gate Tower 60 East South Temple Street P.O. Box 45120 Salt Lake City, UT 84145-0120</div>			<div>EXAMINER A, PHI DIEU TRAN</div>	
			<div>ART UNIT 3637</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 04/30/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,816

Applicant(s)

PRINCE ET AL.

Examiner

Phi D. A

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Objections

1. Claims 13, 18 are objected to because of the following informalities:

Claim 13 line 4 “ transvers” is improper.

Claim 18”coupling to said frame substrate to one of a “ is indefinite as it is confusing.

Should it be “ coupling said frame substrate to one of a “?

Line 12 “ using an a connecting” is improper.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353).

McLaughlin(figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (22) configured to frame at least a portion of an interior window opening, the substrate comprising a thickness, said substrate having a lateral plate (the part of plate which is attached to wall 45, figure 2), a flange (figure 2, the part of 44 parallel to part 14) transverse to the lateral plate, the lateral plate is configured to be coupled in a parallel fashion to an adjacent wall (45), the flange is configured to extend out from the wall, a window covering (18, and the shutters 52) coupled to the substrate and the flange is configured to retain at least a portion of a the window covering, the core is configured to retain a hinge attached to the window

Art Unit: 3637

covering (hinge 28 is attached to the covering and the covering is retained by the core, it thus follows the hinge is retained by the core), a decorative covering (42) coupled to the substrate (the covering is indirectly attached to one of the substrate through its coupling to jamb 30 and reinforcing plate 40), the decorative covering comprising wood (col 3 line 44-45), the window covering comprising a shutter.

McLaughlin does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr. (6588159).

McLaughlin as modified shows all the claimed limitations except for substrate comprising at least one material having an elastic modulus greater than 2.3E.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Art Unit: 3637

McLaughlin as modified by Cotton Jr. shows the substrate having at least one material having an elastic modulus greater than 2.3E (per the property of sheet metal).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin (5490353) in view of Cotton Jr. (6588159).

McLaughlin as modified shows all the claimed limitations except for substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified by Cotton Jr. shows the substrate being formed of metal.

5. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357).

Goldhaber (figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (16) configured to frame at least a portion of a window opening, the substrate comprising a thickness, said substrate having a lateral plate (50), and a flange (52) transverse to the lateral plate, the lateral plate is configured to be coupled in a parallel fashion to an adjacent wall, the flange is configured to extend out from the wall, a window covering (10) coupled to the substrate and the flange is configured to retain at least a portion of the window

Art Unit: 3637

covering, the flange is configured to retain a hinge attached to the window covering, a decorative covering (figure 2, the part below part 14) coupled to the substrate, the decorative covering comprising wood,

Goldhaber does not show the core substrate having a thickness of less than 5/16 inch.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's core substrate to show the core substrate having a thickness of less than 5/16 inch because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr. (6588159).

Goldhaber as modified shows all the claimed limitations except for substrate comprising at least one material having an elastic modulus greater than 2.3E.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified by Cotton Jr. shows the substrate having at least one material having an elastic modulus greater than 2.3E (per the property of sheet metal).

Art Unit: 3637

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber in view of Cotton Jr. (6588159).

Goldhaber as modified shows all the claimed limitations except for substrate being formed of material selected from the group consisting of fiberglass, metal, graphite and reinforced plastic.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show the bracket being formed of sheet metal as taught by Cotton Jr. because sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

Goldhaber as modified by Cotton Jr. shows the substrate being formed of metal.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of McLaughlin (5490353).

Goldhaber as modified shows all the claimed limitations except for the window covering comprising a shutter.

Goldhaber further discloses the window covering can be for a variety of window openings (col 4 lines 60-67).

McLaughlin discloses a shutter on a window covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show a shutter on a window covering as

Art Unit: 3637

taught by McLaughlin because it allows for the easy control of lighting within the housing structure.

9. Claims 8-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr.

Goldhaber (figures 1-2) shows an interior window covering frame assembly comprising an elongate core substrate (16), the substrate comprising a thickness with a modulus of elasticity, the substrate having a lateral plate (50), a flange (52) transverse to the lateral plate, the plate is configured to be coupled in a parallel fashion to an adjacent wall (12), the flange is configured to extend out from the wall, a connecting channel (66) coupled to the lateral plate and to the plate, a window covering (10) coupled to the substrate, a decorative covering (the part in figure 2 right below part 14) applied to at least a portion of said substrate, the decorative covering conceals/substantially conceals the portion of the core substrate, a cross sectional shape of the substrate corresponds to a Z-shape, the decorative covering comprising wood, the window covering comprising a shutter.

Goldhaber does not show the core substrate having a thickness of less than 5/16 inch, and comprising a material having an elastic modulus greater than 2.3E, the substrate being formed of metal.

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify McLaughlin's structure to show the core substrate having a thickness of less than 5/16 inch, the bracket being formed of sheet metal as taught by Cotton Jr. because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch

Art Unit: 3637

as long as the thickness is able to hold the window covering in place to the wall, and sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified further shows the substrate having an elastic modulus greater than 2.3E per the material being sheet metal.

Per claims 10, 15, McLaughlin as modified shows the substrate being formed of metal.

10. Claims 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton Jr. as applied to claim 8 or 13 above and further in view of McLaughlin (5490353).

Goldhaber as modified shows all the claimed limitations except for the window covering comprising a shutter.

Goldhaber further discloses the window covering can be for a variety of window openings (col 4 lines 60-67).

McLaughlin discloses a shutter on a window covering.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's modified structure to show a shutter on a window covering as taught by McLaughlin because it allows for the easy control of lighting within the housing structure.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldhaber (4175357) in view of Cotton et al.

Goldhaber (figure 2) shows a method for anchoring an interior window covering (10, 18) adjacent an interior window having a window jamb (the part under part 14, figure 2) and an

Art Unit: 3637

adjacent wall (12), the method comprising providing a frame substrate (16) that has a thickness and a volume, the substrate comprising a lateral plate (50) and a flange (52) transverse to the lateral plate, coupling to the frame substrate to the window jamb, the lateral plate is coupled to the in a parallel fashion to the adjacent wall (12), the flange is positioned to extend out from the adjacent wall and has a depth sufficient to accommodate a hinge (20, 46) attached to the interior window covering, using a connecting channel (the channel 70) to interconnect a first portion of the frame substrate with a second portion of the frame substrate (flange and plate respectively), and attaching the hinge of the interior window covering to the flange.

Goldhaber does not show the substrate having by volume an elastic modulus greater than wood, the thickness being less than 5/16 inch..

Cotton Jr. discloses forming a bracket (230) from sheet metal.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Goldhaber's structure to show the core substrate having a thickness of less than 5/16 inch, the bracket being formed of sheet metal as taught by Cotton Jr. because it would have been an obvious matter of engineering design choice to have the thickness being 5/16 inch as long as the thickness is able to hold the window covering in place to the wall, and sheet metal is a well known material for forming mounting bracket/supporting bracket as sheet metal provides for needed strength, is readily available, and cheap to produce.

McLaughlin as modified further shows the substrate having an elastic modulus greater than 2.3E per the material being sheet metal.

Goldhaber as modified shows all the claimed limitations. The claimed method steps would have been the obvious method steps of anchoring an interior window covering with Goldhaber's modified structure.

Response to Arguments

12. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 571-272-6864. The examiner can normally be reached on Monday-Thursday.

Art Unit: 3637

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A



4/26/07

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

